



**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: September 8, 2003

Name of Person Certifying:  
Printed Name:

*Melissa Sanchez*  
Melissa Sanchez

Handwritten signature and the number 10.

5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Shannon, et al.

) Group Art Unit: 3738

Application No.: 09/981,337

)

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Filing Date: October 16, 2001

)

) Examiner: Brian E. Pellegrino

For: RADIALLY EXPANDABLE STENTED  
TUBULAR PTFE GRAFTS

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**TERMINAL DISCLAIMER UNDER 37 CFR §1.321(b)**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Petitioner, Edwards Lifesciences Corporation, a Delaware Corporation with its principal offices located at One Edwards Way, Irvine, in the County of Orange and State of California, represents that it is the assignee of the entire right, title and interest in and to the invention disclosed in the above-referenced U.S. Patent Application No. 09/981,337.

30

The above-referenced U.S. Patent Application No. 09/981,337 claims priority under 35 USC §120 back to U.S. Patent Application No. 09/358,350, filed July 21, 1999, which claims priority under 35 USC §120 back to U.S. Patent Application No. 08/675,644, filed July 3, 1996, now U.S. Patent No. 5,928,279.

All of the aforementioned patents and applications are commonly owned by Petitioner.

Serial No.: 09/981,337  
Docket No.: VAS-5041DIV2  
Amendment dated September 8, 2003  
Responsive to Office Action of May 7, 2003

Petitioner represents that it is the assignee of the entire right, title and interest in and to the invention disclosed in U.S. Patent No. 5,928,279, and continuations thereof, by the following assignments/instruments:

5 U.S. Patent No. 5,928,279 (Docket No. VAS-5041) was assigned from the inventors to Baxter International Inc. as shown by an Assignment recorded on April 15, 1997 at **Reel 8550, Frame 0988**, and was re-assigned from Baxter International Inc. to Edwards Lifesciences Corporation as shown by an Assignment recorded on June 9, 2000 at **Reel 010901, Frame 0274**, Docket Nos. VAS-5041/5041DIV).

10 In accordance with 37 CFR 3.73, the undersigned certifies that the evidentiary documents with respect to ownership have been reviewed and that, to the best of the knowledge and belief of the undersigned, title is in the Petitioner seeking to take this action.

15 **Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of prior U.S. Patent No. 5,928,279, whichever expiration date comes earlier.**

20 Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 5,928,279. This Agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

25 In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the

Serial No.: 09/981,337  
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full statutory term as defined in 35 USC §§ 154 to 156 and 173 of prior U.S. Patent No. 5,928,279, as presently shortened by any terminal disclaimer, in the event that the prior U.S. Patent No. 5,928,279: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

FEE PAYMENT

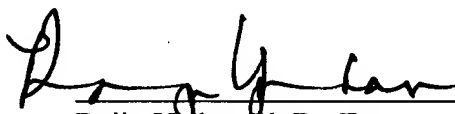
Please charge the necessary fee under 37 CFR §1.20(d) to Deposit Account No. 50-1225 (VAS-5041DIV2). A duplicate of this disclaimer is attached.

If there are any questions, please call the undersigned.

Respectfully submitted,

Date:

9/8/2003



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